

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
Gregory D. MAY et al.)	Group Art Unit: Unassigned
Application No.: Unassigned)	Examiner: Unassigned
CIP of 09/160,351)	
Filed: Even Date Herewith)	
For: DNA REGULATORY ELEMENTS)	
ASSOCIATED WITH FRUIT)	
DEVELOPMENT)	

J1046 U.S. PTO
09/892635
06/28/01

INFORMATION DISCLOSURE STATEMENT
TRANSMITTAL LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Enclosed is an Information Disclosure Statement, accompanying form PTO-1449 (with references) and a copy of co-pending parent application 09/160,351 for the above-identified patent application.

- ☒ [X] No additional fee for submission of an IDS is required.
- ☐ [] The fee of \$180.00 (126) as set forth in 37 C.F.R. § 1.17(p) is also enclosed.
- ☐ [] A certification under 37 C.F.R. § 1.97(e) is also enclosed.
- ☐ [] A certification under 37 C.F.R. § 1.97(e), and the fee of \$180.00 (126) as set forth in 37 C.F.R. § 1.17(p) are also enclosed.
- ☐ [] Charge \$ _____ to Deposit Account No. 02-4800 for the fee due.
- ☐ [] A check in the amount of \$ _____ is enclosed for the fee due.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

By: Malcolm K. McGowan
Malcolm K. McGowan, Ph.D.
Registration No. 39,300

Date: 28 June 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
)	
Gregory D. MAY et al.)	Group Art Unit: Unassigned
)	
Application No.: Unassigned)	Examiner: Unassigned
CIP of 09/160,351)	
)	
Filed: Even Date Herewith)	
)	
For: DNA REGULATORY ELEMENTS)	
ASSOCIATED WITH FRUIT)	
DEVELOPMENT)	

J1046 U.S. PTO
09/892635
06/28/01

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. § 1.56, Applicants hereby submit the following information in conformance with 37 C.F.R. §§ 1.97 and 1.98. Pursuant to 37 C.F.R. § 1.98, a copy of each of the documents cited is enclosed.

The documents are being submitted within 3 months of the filing or entry of the national stage of this application or before the first Office Action on the merits, whichever is later, therefore no fee or certification is required under 37 C.F.R. § 1.97(b).

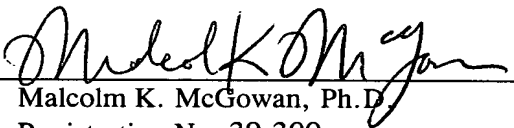
The Examiner's attention is directed to copending application number 09/160,351 naming Gregory MAY and Stephanie CLENDENNEN as inventor(s) and filed on September 25, 1998, and the documents cited therein, a copy of which is enclosed.

In accordance with MPEP § 609(c)(2) (February 2000, page 600-107), the Office is requested to return a copy of this Information Disclosure Statement with the Examiner's initials adjacent to this paragraph indicating that this copending application has been considered. By citation to the copending application, confidentiality is not waived and the Office is requested to maintain the confidentiality of the copending application under 35 U.S.C. § 122.

To assist the Examiner, the documents are listed on the attached form PTO-1449. It is respectfully requested that an Examiner initialed copy of this form be returned to the undersigned.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 
Malcolm K. McGowan, Ph.D.
Registration No. 39,300

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: 29 June 2001

INFORMATION DISCLOSURE CITATION PTO-1449				ATTORNEY'S DKT NO. 031998-007		APPLICATION NO. CIP of 09/160,351			
				APPLICANT May et al.				U.S. 09/892635 06/28/01	
				FILING DATE Herewith		GROUP Unassigned			
U.S. PATENT DOCUMENTS									
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE			
FOREIGN PATENT DOCUMENTS									
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	Translation			
						Yes	No		
	WO96 37617	1996	WIPO						
	WO95 15678	1995	WIPO						
	WO98 11228	1998	WIPO						
	WO97 38106	1997	WIPO						
	WO98 53085	1998	WIPO						
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)									
S. Clendennen et al., "Isolation and Identification of Genes Differentially Expressed / During Banana Fruit Ripening" <i>Plant Physiology</i> , Vol. 111, No. 2, p. 34 (June 1996), XP002049413 Abstract									
R. Medina-Suarez et al., "Gene Expression in Banana Peel and Pulp During Ripening" <i>Plant Physiology</i> , Vol. 111, No. 2, p. 122 (June 1996) XP002049412, Abstract									
do Nascimento et al., "Banana Sucrose-Phosphate Synthase Gene Expression During/ Fruit Ripening", <i>Planta</i> Vol. 203, pp. 283-288 (1997) XP002097147									
Dominguez-Puigjaner, "A cDNA Clone Highly Expressed in Ripe Banana Fruit Shows Homology to Pectate Lyases" <i>Plant Physiology</i> , Vol. 114, No. 3, pp. 1071-1076 (July 1997) XP002096841									
Huang, P-L et al., "Characterization and Expression Analysis of a Banana Gene Encoding 1-Aminocyclopropane-1-Carboxylate Oxidase", <i>Biochemistry and Molecular Biology International</i> , Vol. 41, No. 5, pp. 941-950 (April 1997) XP000675954									
Lopez-Gomez et al., "Ethylene Biosynthesis in Banana Fruit: Isolation of a Genomic Clone to ACC Oxidase and Expression Studies", <i>Plant Science</i> , Vol. 123, No. 1/02, pp. 123-131 (1997) XP000676021									
Dominguez-Puigjaner et al., "Differential Protein Accumulation in Banana Fruit During Ripening", <i>Plant Physiology</i> , Vol. 98, no. 1, pp. 157-162 (January 1992) XP002049414									
EXAMINER				DATE CONSIDERED					

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE CITATION PTO-1449				ATTORNEY'S DKT NO. 031998-007		APPLICATION NO. CIP of 09/160,351	
				APPLICANT May et al.			
				FILING DATE Herewith		GROUP Unassigned	
U.S. PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE	
	5,886,164	3/1999	Bird et al.				
FOREIGN PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						Yes	No
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
	Theisen, "Les Plantes Comme Bioreacteurs", <i>Biofuture</i> , Vol. 168, pp. 47-51 (June 1997), XP002096842						
	Clendennen et al., "Differential Gene Expression in Ripening Banana Fruit", <i>Plant Physiology</i> , Vol. 115, No. 2, pp. 463-469 (October 1997) XP002049417						
	Medina-Suarez et al., "Gene Expression in the Pulp of Ripening Bananas" <i>Plant Physiology</i> , Vol. 115, No. 2, pp. 453-461 (October 1997) XP002049416						
	Becker, D., E. Kemper, J. Schell, and R. Masterson. 1992. New plant binary vectors with selectable markers located proximal to the left T-DNA border. <i>Plant Mol. Biol.</i> 20:1195-1197.						
	Carrington, J.C., and D.D. Freed. 1990. Cap-independent enhancement of translation by a plant potyvirus 5' nontranslated region. <i>J Virol.</i> 64:1590-1597.						
	Haq, T.A., H.S. Mason, J.D. Clements, and C.J. Arntzen. 1995. Oral immunization with a recombinant bacterial antigen produced in transgenic plants. <i>Science.</i> 268:714-716.						
	Jefferson, R., T. Kavanagh, and M. Bevan. 1987. GUS fusions: β -glucuronidase as a sensitive and versatile gene fusion marker in higher plants. <i>EMBO J.</i> 13:3901-3907.						
	Jefferson, R.A. 1987. Assaying chimeric genes in plants: The GUS gene fusion system. <i>Plant Mol. Biol. Rep.</i> 5:387-405.						
	Sagl et al., <i>Bio/technology</i> , Vol. 13, pages 481-485						
EXAMINER				DATE CONSIDERED			

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.